

0018



State of Utah

Department of Natural Resources

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA  
Division Director

JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

| Representatives Present During the Inspection: |  |
|--|--|
| Company  | Russell Hardy                                |
| OGM  | Priscilla Burton Environmental Scientist III |
| OGM  | Joe Helfrich Environmental Scientist III     |
| OGM  | Steve Christensen Environmental Scientist II |

# Inspection Report

|                  |                           |
|------------------|---------------------------|
| Permit Number:   | C0150015                  |
| Inspection Type: | COURTESY                  |
| Inspection Date: | Wednesday, April 11, 2007 |
| Start Date/Time: | 4/11/2007 10:00:00 AM     |
| End Date/Time:   | 4/11/2007 2:30:00 PM      |
| Last Inspection: | Thursday, March 15, 2007  |

Inspector: Priscilla Burton, Environmental Scientist III

Weather: overcast 55 F.

InspectionID Report Number: 1266

Accepted by: whedberg *OK*  
5/1/2007

Permitee: **CONSOLIDATION COAL CO**  
 Operator: **CONSOLIDATION COAL CO SESSER OPERATIONS**  
 Site: **EMERY DEEP MINE**  
 Address: **PO BOX 566, SESSER IL 62884**  
 County: **EMERY**  
 Permit Type: **PERMANENT COAL PROGRAM**  
 Permit Status: **ACTIVE**

### Current Acreages

|          |                        |
|----------|------------------------|
| 5,568.00 | <b>Total Permitted</b> |
| 62.50    | <b>Total Disturbed</b> |
|          | <b>Phase I</b>         |
|          | <b>Phase II</b>        |
|          | <b>Phase III</b>       |

### Mineral Ownership

- Federal
- State
- County
- Fee
- Other

### Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

### Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Site visit was conducted in conjunction with the recent administrative approval for full extraction from the 14th west panel. Peter Behling, Emery Mine Surveyor toured the surface, along with the representatives listed above. The 14th and 15th west panels are located in Section 29, T. 22 S., R. 6 E.. The N1/2 of the N1/2 of Sec. 29 is identified as prime farmland by the NRCS (Utah Agricultural Experiment Station Research Report No. 76). As such, it is among the most productive land in the permit area outlined on all mine Plates.

Inspector's Signature:

Date

Friday, April 13, 2007

Priscilla Burton, Environmental Scientist III

Inspector ID Number: 37

**Note:** This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

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Permit Number: C0150015  
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Inspection Continuation Sheet

**REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS**

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
  - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
  - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

|  | Evaluated                           | Not Applicable           | Comment                             | Enforcement              |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Permits, Change, Transfer, Renewal, Sale                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Signs and Markers   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 3. Topsoil   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4.a Hydrologic Balance: Diversions                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4.b Hydrologic Balance: Sediment Ponds and Impoundments          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4.c Hydrologic Balance: Other Sediment Control Measures          | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4.d Hydrologic Balance: Water Monitoring                         | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 4.e Hydrologic Balance: Effluent Limitations                     | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 5. Explosives  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 6. Disposal of Excess Spoil, Fills, Benches                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 7. Coal Mine Waste, Refuse Piles, Impoundments                   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 8. Noncoal Waste   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 9. Protection of Fish, Wildlife and Related Environmental Issues | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 10. Slides and Other Damage                                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 11. Contemporaneous Reclamation                                  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 12. Backfilling And Grading                                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 13. Revegetation   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 14. Subsidence Control   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Cessation of Operations                                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 16.a Roads: Construction, Maintenance, Surfacing                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 16.b Roads: Drainage Controls                                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 17. Other Transportation Facilities                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 18. Support Facilities, Utility Installations                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 19. AVS Check  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 20. Air Quality Permit   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 21. Bonding and Insurance  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 22. Other  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**1. Permits, Change, Transfer, Renewal, Sale**

Administrative approval dated April 11, 2007 was granted for full extraction of the 14th west panes, in effect for 30 days. The approval allows Consol time to prepare an amendment to the Mining and Reclamation Plan that addresses all the requirements of the coal rules for full extraction and planned subsidence.

The panels are located in T 22 S, R 6 E in Section 29. The surface in the north half of the north half of Section 29 is among the most productive irrigated pasture land within the permit area. It is identified as prime farmland by the NRCS (Utah Agricultural Experiment Station Research Report No. 76). The vegetation and land use map Plate VIII-1 erroneously shows irrigated pasture land only within the 15th west panel, but the irrigated pasture land extends all along the plateau north of the county road. The Division did not field check this map, but irrigation ditches and irrigated pasture above the 14th and 15th west were photographed and are attached to this report as 04112007A.jpg. The location and direction of the image is noted on a second attachment, 0411207A2.pdf.

**14. Subsidence Control**

Irrigation ditches shown on the surface in the October 2006 Plate V-3 Pre-Subsidence Survey Hydrology map extend into the 15 west panel. The approximate boundaries of the 14th and 15th West panels as shown on the April 3, 2007 copy of Plate V-5 were outlined onto Plate V-3 and are included with this report as file 04112007A2.pdf. It appears from this information that the subsidence shown for panels 14 and 15 West on the April 3, 2007 version of Plate V-5 Subsidence Monitoring Points and Buffer Zones will intercept the irrigation ditches. The Permittee was reminded of the permit requirements in Chapter V.B.1 Items 1a, 2a, 11, 12, and 13 requiring evaluation of the irrigation ditch gradients and monitoring of the ditches prior to and after full extraction and to provide this survey to the water conservancy district, landowner, and the Division. Consol is currently negotiating the details of subsidence mitigation with Osbrun Bret Carter and Russell H. Odle and Morgan Robertson, landowners of the surface above the 14th and 15th west panels and the 8th North Main Entry.



